



County of Los Angeles

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April 24, 2003

To: Supervisor Yvonne Braithwaite Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

STATE LEGISLATIVE UPDATE

State Supreme Court Invalidates Binding Arbitration Law

On April 21, 2003, the State Supreme Court unanimously ruled that County-opposed SB 402 (Burton, Chapter 906, Statutes of 2000), which required binding arbitration in labor disputes involving cities and counties, was unconstitutional. Specifically, SB 402 provided law enforcement officers and firefighter representatives with sole authority to demand binding arbitration in labor disputes if an impasse was declared. In an opinion written by Justice Chin, the court held that permitting binding arbitration violated a state constitutional provision forbidding the Legislature from delegating municipal functions to a private party.

Status of County-Opposed Presidential Primary Election Bills

The County Registrar-Recorder/County Clerk participated in a press conference in Sacramento on Monday, April 21, 2003 in anticipation of the upcoming hearings on **AB 1531 (Longville)** and **SB 430 (Johnson)**, which the County opposes. The two election bills would bifurcate the primary election by requiring the Presidential contest to be conducted separately, on a different date, from the primary election for all other Federal, State, and local contests.

AB 1531, which splits the primary into two elections held in March and June, was heard on April 22, 2003 before the Assembly Elections, Redistricting and Constitutional Amendments Committee. The County Registrar Recorder and others expressed concerns about the serious logistical problems involved in conducting three elections in 2004. A March presidential primary and a June primary, for example, would require

concurrent preparation for the back-to-back elections including candidate processing, printing and distribution of sample ballot booklets and other supplies and repair and restoration of booths and machines. In addition, witnesses noted that 50 percent of California voters will confront new voting equipment due to the decertification of punch card systems, and cited statistical evidence that states which have conducted separate primary elections in presidential years experienced a significant drop-off in voter turnout, and that seven states have introduced legislation to eliminate one of their primary election dates due to the combination of high cost and low turnout.

Despite this testimony, AB 1531 passed on a 5-to-2 vote and now goes to the Assembly Appropriations Committee. The bill is supported by California Common Cause and is opposed by the California State Association of Counties (CSAC), Los Angeles County and the California Association of Clerks and Elections Officials.

SB 430, which sets the two primaries for March and September 2004, is scheduled to be heard in the Senate Elections and Reapportionment Committee on April 30, 2003.

Status of County-Interest Bills

County-supported AB 28 (Pavley), which would establish the Firefighting Hazardous Materials Response Team Equipment Program to provide funding for the purchase of hazardous materials response equipment for State and local agencies, was amended on April 21, 2003. The amendment expresses Legislative intent that equipment shall be shared as needed among local agencies pursuant to mutual aid agreements, and it also requires that funding be appropriated from the Federal Trust Fund to the Office of Emergency Services.

County-sponsored AB 1153 (Bermudez), which would criminalize the unauthorized use, manufacture, or sale of any official State, county, city, or agency badge and/or associated photographic identification cards, was amended on April 21, 2003. The amendment creates two exceptions to these provisions; 1) the use of a badge in a fictitious or historical depiction of a public officer or employee and 2) a badge supplied by a recognized employee organization that represents firefighters. The amendments do not adversely affect the purpose of the bill and our Sacramento advocates will continue to support AB 1153.

County-opposed AB 1320 (Dutra) which would allow for expansion of transit villages and weaken current law that curbs redevelopment abuse, has been reassigned from the Assembly Committee on Transportation to the Assembly Committee on Housing and Community Development with a hearing date of April 30, 2003.

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County-supported AB 1482 (Richman), which would require all medical services provided to a worker from the date of injury be subject to an official medical fee schedule regardless of the date the injury is accepted as, or determined to be, compensable under workers' compensation, was amended on April 21, 2003 to tie the workers' compensation fee schedule to the Medicare schedule. The County will continue to support AB 1482 because this amendment will insure continual and timely updating of the schedules. The bill has been re-referred to the Assembly Committee on Insurance with a hearing scheduled for April 30, 2003.

County-supported AB 1483 (Richman), which would require that every physician who treats and evaluates injured workers be certified as a Qualified Workers' Compensation Physician, was amended on April 21, 2003, to require the State to develop an annual training program for claims representatives and disability evaluators. The County will continue to support AB 1483 because the training programs will improve workers' compensation claims and administrative practices. The bill has been re-referred to the Assembly Committee on Insurance with a hearing scheduled for April 30, 2003.

County-opposed SB 435 (Soto) which would allow for expansion of transit villages and weaken current law that curbs redevelopment abuse, is scheduled for hearing in the Senate Committee on Local Government on April 23, 2003.

County-supported SB 714 (Battin), which would have required that workers' compensation medical reports apportion the current injury or illness to any past injury or illness and/or to non work-related injuries or illnesses, and prohibited the payment of permanent disability and/or death benefits unless the work related injury contributed at least 10 percent to the cause of death or disability when compared to all other causes, was amended on April 21, 2003. The amendments delete the 10 percent cause threshold and retain the current law that stipulates that benefits be paid even if the current injury represents as little as 1 percent of the cause. The County will continue to support SB 714 because it still apportions a disability to non-work related causes. The bill has been re-referred to the Senate Committee on Labor and Industrial Relations with a hearing scheduled for April 23, 2003.

We will continue to keep you advised.

DEJ:GK
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c: Executive Officer, Board of Supervisors
County Counsel
Local 660
All Department Heads
Legislative Strategist

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Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations